



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,027	10/25/1999	TAKASHI SHIMIZU	104610	8990

25944 7590 07/02/2003

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

GOFF II, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

1733

DATE MAILED: 07/02/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,027

Applicant(s)

SHIMIZU ET AL.

Examiner

John L. Goff

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri ority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to Amendment F filed on 4/25/03.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 18-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 18 now requires "the base member being non-air-permeable". It is unclear where in the specification the base member is described as "non-air-permeable". The specification does not appear to disclose anything regarding the permeability of the base member. Claim 18 further requires "discharging air between the top cover member having the laminated hot melt adhesive in the pattern and the base member having the laminated film of hot melt adhesive only through the holt melt adhesive in the pattern". It is unclear where in the specification it is disclosed that air is discharged only through the top cover member, i.e. in an upward direction, and not through the base member, i.e. a downward direction, or through the

Art Unit: 1733

sides of the laminate, i.e. the transverse direction. It is noted the specification discloses air is discharged through the top cover member (See page 5, lines 2-3 and page 7, lines 25-6 and page 8, lines 1-3 and page 11, lines 5-7). However, the specification does not suggest air is discharged only through the top cover member, i.e. discharge of air downward through the base member or in the transverse direction through the sides of the laminate is not excluded.

Claim Rejections - 35 USC § 103

5. It is noted the rejection set forth below does not teach the discharge of air only through the top cover member, i.e. it does not exclude discharge of air through the sides of the laminate in the transverse direction. However, as shown above in paragraph 4 the specification does not support for the claims to require the discharge of air only through the top cover member. As to the base member being non-air-permeable, it is noted the base member taught by the admitted prior art is the same as that claimed, i.e. both are conventional base members used in the art to form headliners.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 1733

7. Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (Specification pages 1 and 2 and Paper #8) in view of Colasanto (U.S. Patent 6,190,482), Jarrell et al. (U.S. Patent 5,750,444), Spielau et al. (U.S. Patent 3,850,725), and Wu (U.S. Patent 5,539,072).

The admitted prior art teaches a known method for manufacturing a formed headliner for a vehicle (Figures 4A and 4B and Specification page 1 and 2 and Paper #8 page 6, lines 1-5). The admitted prior art teaches a top cover member comprising a top cover and a polyurethane foam wherein a film of hot melt adhesive is laminated on the backside of the top cover member. The admitted prior art teaches a base member comprising a polyamide film, a polypropylene film, a base material, and a non-woven fabric wherein a film of hot melt adhesive is laminated on the frontside of the base member. The admitted prior art teaches heating the base member to soften the base and melt the adhesive applied thereon. The admitted prior art teaches bonding the top cover member to the heated base member (the heated base member melts the adhesive of the top member) to form a headliner. The hot melt adhesive of the base member has a thickness of 15 to 75 μm for normal strength and 75 to 100 μm for high strength. The admitted prior art is silent as to laminating the adhesive layer to the top cover member in a pattern. One of ordinary skill in the art at the time the invention was made would have readily appreciated the hot melt adhesive taught by the admitted prior art laminated to the top cover member in a pattern as it was well known in the art to laminate an adhesive to a permeable member in a pattern as shown for example by Colasanto, Jarrell et al., Spielau et al., and Wu so that when the permeable member is bonded to a substrate the laminate remains permeable, i.e. during and/or after bonding air and/or vapor would still be able to pass through at least the top cover member.

Art Unit: 1733

It is noted the admitted prior art is silent as to the top cover comprising tricot and the base member comprising fiber and polypropylene. Absent any unexpected results, one of ordinary skill in the art at the time the invention was made would have readily appreciated the top cover and base member comprising these materials as these were well known and conventional headliner materials used in the art.

Colasanto is directed to laminating a permeable fabric to a substrate (which may be air permeable or non-air-permeable) using a patterned (discontinuous) adhesive so that the fabric remains breathable (Figures 1-6 and Column 1, lines 13-20 and Column 2, lines 12-15 and Column 3, lines 35-45 and Column 4, lines 1-4 and 43). Jarrell et al. are directed to laminating two materials such as breathable fabric and foam (not required to be breathable/permeable) using a patterned adhesive to ensure the fabric of the bonded laminate is breathable (Column 1, lines 9-16 and Column 2, lines 40-43 and Column 3, lines 25-32 and Column 5, lines 23-28, 46-49, and 54-57). Jarrell et al. teach the breathable laminates are useful in automobiles as for example headliners (Column 2, lines 40-43 and Column 4, lines 4-6). Spielau et al. are directed to bonding various materials, e.g. permeable and non-permeable materials, using a patterned adhesive. Spielau et al. teach using the patterned adhesive to ensure the adhesive does not interfere with the breathing qualities of the material (Column 1, lines 3-8 and Column 3, lines 16-22). Wu is directed to bonding a fabric to a substrate using an adhesive in a discontinuous pattern so the laminated material retains its water-vapor permeable properties (Column 5, lines 35-39).

Response to Arguments

8. Applicant's arguments filed 4/25/03 have been fully considered but they are not persuasive. Applicant argues none of the claimed references disclose the claimed invention, i.e. when the two layers are bonded, air is discharged only in one direction, i.e. through the top cover member. Applicant further argues the claimed method excludes air discharge in every direction except for the direction through the hot melt adhesive in the pattern, the polyurethane foam, and the top cover, that is, through the top cover member. As shown above in paragraph 4 it does not appear applicant has support in the specification to exclude air discharge in every direction except for the direction through the hot melt adhesive in the pattern, the polyurethane foam, and the top cover, that is, through the top cover member. In any event, the base member and top cover member taught by the admitted prior art as modified by Colasanto, Jarrell et al., Spielau et al., and Wu is the same as that claimed. It is unclear how bonding the base member and top cover member taught by applicant would exclude the discharge of air in the transverse direction while bonding the base member and top cover member taught by the admitted prior art as modified by Colasanto, Jarrell et al., Spielau et al., and Wu would not exclude the discharge of air in the transverse direction.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 1733

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

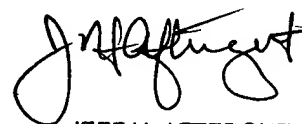
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John L. Goff
June 27, 2003



JEFF H. AFTERGUT
PRIMARY EXAMINER
GROUP 1300